

**REMARKS/ARGUMENTS**

Claims 1-22 are pending in the present application. Claims 1-5, 8, 10, and 13 have been amended. Claims 14-22 are new. Claims 1, 13, and 14 are independent claims. The Examiner is respectfully requested to reconsider his rejections in view of the Amendments and the following Remarks.

Various clarifying amendments have been made to claims 1-5, 8, 10, and 13. Applicants respectfully submit that these claims are merely of an editorial nature and do not substantively affect the scope of the claims. Furthermore, Applicants submit that these amendments were not made in response to any statutory claim rejections and, thus, were not made for a reason relating to patentability. As such, Applicants respectfully submit that the amended claims are entitled to their full range of equivalents during future consideration.

**Allowable Subject Matter**

It is gratefully acknowledged that the Examiner considers the subject matter of claims 6 and 9-12 as being allowable if rewritten in independent form. However, it is believed that independent claim 1 is in condition for allowance and, thus, these claims are allowable by virtue of their dependency on

claim 1. As such, claims 6 and 9-12 have not been rewritten in independent form.

**Claim for Priority**

It is gratefully acknowledged that the Examiner has recognized Applicant's claim for foreign priority. In view of the fact that Applicant's claim for foreign priority has been perfected, no additional action is required from Applicant at this time.

**Drawings**

It is gratefully acknowledged that the Examiner has accepted the Formal Drawings filed on August 6, 2001. It is respectfully submitted that the Formal Drawings comply with the requirements of the USPTO. If the Official Draftsman has any objections to the Formal Drawings he is respectfully requested to contact the undersigned as soon as possible so that appropriate action may be taken.

**Acknowledgment of Information Disclosure Statement**

The Examiner has acknowledged the Information Disclosure Statements filed on August 6, 2001 and February 4, 2003. Initialed copies of the corresponding PTO-1449s has been

received from the Examiner. No further action is necessary at this time.

**Assignment of the Present Application**

In page 3 of the Office Action, the Examiner errantly asserts that the present application has a common assignee with U.S. Patent No. 6,710,818 to Kasahara et al. (hereafter Kasahara).

Applicants point out that the present application is currently assigned to **Mitsubishi Denki Kabushiki Kaisha**, as indicated in the Assignment filed on August 6, 2001. On the other hand, Kasahara is assigned to **Matsushita Electric Industrial Co.**, as indicted on the cover page of Kasahara. Accordingly, Kasahara is not commonly assigned to the present application.

**Rejection Under 35 U.S.C. § 102**

Claims 1-3, 5, 7, and 13 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,710,818 to Kasahara et al. This rejection is respectfully traversed.

The present application claims priority to September 8, 2000, which is the filing date of Japanese patent application JP

2000-273668. A certified English translation of JP 2000-273669 is attached hereto.

Since the effective filing date of Kasahara is October 6, 2000, it is respectfully submitted that priority of the present invention has been established over Kasahara. Thus, Applicants submit that Kasahara is disqualified as prior art against the claimed invention.

Accordingly, Applicants respectfully submit that claims 1-3, 5, 7, and 13 are in condition for allowance. Thus, the Examiner is respectfully requested to reconsider and withdraw this rejection.

**Rejection Under 35 U.S.C. § 103**

**Claim 8**

Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kasahara. It is respectfully submitted that Kasahara is disqualified as prior art for reasons set forth above.

Furthermore, in this rejection, the Examiner takes official notice that "it is well known in the art to use a look-up table in order to store and eventually change settings in a camera" (Office Action at page 5). Insofar as the Examiner might continue to rely on such official notice in future Office

Actions, Applicants respectfully challenge the Examiner's taking of official notice. Thus, Applicants request the Examiner to provide evidence supporting the assertion that the referring to a look-up table to set a threshold value, as claimed in claim 8, was well known in the art at the time the invention was made.

For the reasons above, Applicants respectfully submit that claim 8 is in condition for allowance, and request the Examiner to reconsider and withdraw this rejection.

#### Claim 4

Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kasahara in view of U.S. Patent No. 6,519,002 to Tomaszewski (hereafter Tomaszewski). It is respectfully submitted that Kasahara is disqualified as prior art for reasons set forth above. Furthermore, Applicants respectfully submitted that Tomaszewski fails to disclose each and every claimed feature in claim 4. Accordingly, Applicants submit that claim 4 is in condition for allowance. Thus, the Examiner is respectfully requested to reconsider and withdraw this rejection.

### New Claims

Claims 14-22 are newly filed in the present application. It is respectfully submitted that the filing of these claims do not add any new matter to the present application. Instead, it is respectfully submitted that the subject matter of claims 14-22 are fully supported in the originally filed application, e.g., in the original claims and in the specification at: page 1, lines 15-23; page 14, line 2 - page 15, line 15.

### Conclusion

Since the remaining patents cited by the Examiner have not been utilized to reject the claims, but to merely show the state of the art, no comment need be made with respect thereto.

All of the stated grounds of rejection have been properly traversed. Applicants therefore respectfully request the Examiner to reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.


Should the Examiner believe that any outstanding matters remain in the present application, the Examiner is respectfully requested to contact Jason W. Rhodes (Reg. No. 47,305) at the telephone number of the undersigned to discuss the present

application in an effort to expedite prosecution.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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